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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,573	01/17/2002	Robert W. Luffel	10001582-5	1003

7590 09/26/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3634

The reply filed on June 30, 2003 is not fully responsive to the prior Office Action because Applicants fail to provide separate arguments for the claims as stated by the "Grouping of Claims" or otherwise set forth a "grouping" of the claims that corresponds to the claims argued.

DP5 With respect to applicants' cover letter remarks to the holding of non-compliance, it should be noted that, contrary to applicants' remarks, the grouping of the claims is defective and not in ~~non~~-compliance with 37CFR 1.192(c). Note that the MPEP 1206 and 37CFR 1.192(c), make clear that the grouping of claims must be stated under the heading "Grouping of Claims" and that claims that stand or fall separately must be identified and that each claim, or grouping, that stands or falls separately must be separately argued. The statement in the original appeal brief sets forth "None of the claims stand or fall together" and clearly conveys that all of the claims are considered to be separately patentable. However, applicants fail to provide a separate argument for each of the claims. The amended appeal brief now provides a statement for each ground of rejection purportedly stating what claims stand or fall together and which do not. However, the actual arguments have not changed from the original brief and the newly supplied "grouping of claims" fails to correspond to the claims as argued. For example, for the Section 112 rejection, the grouping is stated as: Claims 1-13, claim 14, claim 15, claims 16-21. However, in the "Argument" section, only claim 15 is argued separately from claim 1.

The substantive defect previously identified remains uncorrected.

Accordingly, the period for response CONTINUES TO RUN 1 MONTH FROM

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THE MAILING DATE OF THE NOTIFICATION OF NON-COMPLIANCE, PAPER NO. 08, i.e., June 02, 2003.

Applicants should be noted that failure to submit a new brief that fully complies with 37 CFR 1.192(c) in response to this notification ***will result in the instant appeal being dismissed and the application held abandoned*** since there are otherwise no allowed claims present. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686.

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The fax phone number for this Group before a final Office action is (703) 872-9326 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran

September 15, 2003

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600